

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

La Unión Del Pueblo Entero, *et al.*,

*Plaintiffs,*

v.

Gregory W. Abbott, *et al.*,

*Defendants.*

No. 5:21-cv-00844-XR

**HARRIS COUNTY REPUBLICAN PARTY, DALLAS COUNTY REPUBLICAN PARTY,  
REPUBLICAN NATIONAL COMMITTEE, NATIONAL REPUBLICAN SENATORIAL  
COMMITTEE, AND NATIONAL REPUBLICAN CONGRESSIONAL COMMITTEE’S  
[PROPOSED] ANSWER TO UNITED STATES’ AMENDED COMPLAINT**

Intervenor-Defendants Harris County Republican Party, Dallas County Republican Party, Republican National Committee, National Republican Senatorial Committee, and National Republican Congressional Committee (the “Republican Committees”) respectfully answer the United States’ Amended Complaint. Any allegation in the Complaint not explicitly responded to in this Answer is hereby denied.

**INTRODUCTION**

1. The Republican Committees admit that the Texas Legislature enacted SB 1. The Republican Committees deny that SB 1 “restricts eligible voters’ ability to cast a ballot and have that ballot counted.” The statute speaks for itself and does not require a response. Paragraph 1 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied.

2. The Republican Committees admit that Plaintiff purports to challenge certain amendments to the Texas Election Code enacted through SB 1. The Republican Committees deny

that SB 1 unlawfully infringes on the right to vote. The statutes speak for themselves and do not require a response. Paragraph 2 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied.

3. The Republican Committees deny that SB 1 “will disenfranchise eligible Texas citizens.” Paragraph 3 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied. The Republican Committees are without knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 3 and so deny them.

4. The Republican Committees deny that SB 1 “impermissibly” “restricts” “meaningful assistance in the voting booth” or “curtail[s] fundamental voting rights.” Paragraph 4 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied. The Republican Committees are without knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 4 and so deny them.

5. The Republican Committees deny that SB 1 “will disenfranchise” eligible voters. Paragraph 5 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied. The Republican Committees are without knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 5 and so deny them.

6. The statutes and United States Constitution speak for themselves and do not require a response. Paragraph 6 states legal conclusions and/or statements of what the law provides or

should provide, to which no response is required. To the extent a response is required, these allegations are denied.

7. The Voting Rights Act speaks for itself and does not require a response. Paragraph 7 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied.

8. The Civil Rights Act of 1964 speaks for itself and does not require a response. Paragraph 8 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied.

### **JURISDICTION AND VENUE**

9. Paragraph 9 states legal conclusions that do not require a response. To the extent a response is required, the Republican Committees deny these allegations.

10. Paragraph 10 states a legal conclusion that does not require a response. To the extent a response is required, the Republican Committees do not contest venue; and, except as expressly admitted, the Republican Committees deny any remaining allegations in Paragraph 10.

### **PARTIES**

11. Paragraph 11 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied.

12. The Republican Committees admit that the State of Texas is one of the States of the United States of America.

13. The Republican Committees admit that Defendant Scott is the Secretary of State of Texas and that Plaintiff purports to sue him in his official capacity. Paragraph 13 states legal conclusions and/or statements of what the law provides or should provide, to which no response

is required. To the extent a response is required, these allegations are denied. The Republican Committees are without knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 13 and so deny them.

### **ALLEGATIONS**

14. The Republican Committees do not doubt that racial discrimination occurred in Texas during its history. The Republican Committees deny that this history is relevant to SB 1 or that SB 1 was motivated by racial discrimination. Court decisions speak for themselves and do not require a response. Paragraph 14 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied.

15. Court decisions speak for themselves and do not require a response. Paragraph 15 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied. The Republican Committees are without knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 15 and so deny them.

16. Census Bureau data speaks for itself and does not require a response. To the extent a response is required, the Republican Committees are without knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 16 and so deny them.

17. Census Bureau data speaks for itself and does not require a response. To the extent a response is required, the Republican Committees are without knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 17 and so deny them.

18. The referenced survey speaks for itself and does not require a response. To the extent a response is required, the Republican Committees are without knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 18 and so deny them.

19. Census Bureau data speaks for itself and does not require a response. To the extent a response is required, the Republican Committees are without knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 19 and so deny them.

20. The Republican Committees are without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 20 and so deny them.

21. The referenced survey speaks for itself and does not require a response. To the extent a response is required, the Republican Committees are without knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 21 and so deny them.

22. The Voting Rights Act speaks for itself and does not require a response. Paragraph 22 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied. The Republican Committees are without knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 22 and so deny them.

23. The referenced survey speaks for itself and does not require a response. To the extent a response is required, the Republican Committees are without knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 23 and so deny them.

24. The referenced survey data speaks for itself and does not require a response. To the extent a response is required, the Republican Committees are without knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 24 and so deny them.

25. The statements of public officials speak for themselves and do not require a response. Paragraph 25 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied. The Republican Committees are without knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 25 and so deny them.

26. Voter turnout data speaks for itself and does not require a response. To the extent a response is required, the Republican Committees are without knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 26 and so deny them.

27. The Republican Committees are without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 27 and so deny them.

28. Voter turnout data speaks for itself and does not require a response. To the extent a response is required, the Republican Committees are without knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 28 and so deny them.

29. The Republican Committees deny that there is not a substantial risk of fraud in Texas elections. According to the United States Supreme Court, the “risk of voter fraud” is “real,” voter fraud “could affect the outcome of a close election,” and “[t]here is no question about the

legitimacy or importance of the State's interest" in combatting it. *Crawford*, 553 U.S. at 196. The statements of public officials speak for themselves and do not require a response. To the extent a response is required, the Republican Committees are without knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 29 and so deny them.

30. Legislative history speaks for itself and does not require a response. Paragraph 30 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied. The Republican Committees are without knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 30 and so deny them.

31. The statements of public officials speak for themselves and do not require a response. To the extent a response is required, the Republican Committees are without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 31 and so deny them.

32. The statements of public officials and the statutes speak for themselves and do not require a response. To the extent a response is required, the Republican Committees are without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 32 and so deny them.

33. Legislative history speaks for itself and does not require a response. Paragraph 33 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied. The Republican Committees are without knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 33 and so deny them.

34. The Republican Committees admit that Governor Abbott signed SB 1 into law on September 7, 2021.

35. Paragraph 35 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied.

36. The statutes speak for themselves and do not require a response. Paragraph 36 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied.

37. The statute speaks for itself and does not require a response. Paragraph 37 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied.

38. The statute speaks for itself and does not require a response. Paragraph 38 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied.

39. The referenced sources speak for themselves and do not require a response. Paragraph 39 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied. The Republican Committees are without knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 39 and so deny them.

40. The referenced sources speak for themselves and do not require a response. Paragraph 40 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations



are denied. The Republican Committees are without knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 40 and so deny them.

41. The statute speaks for itself and does not require a response. Paragraph 41 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied.

42. The statute speaks for itself and does not require a response. Paragraph 42 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied.

43. The Republican Committees are without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 43 and so deny them.

44. The Republican Committees deny that SB 1 “constrains assistance” with voting. The statute speaks for itself and does not require a response. Paragraph 44 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied.

45. Legislative history and the statute speak for themselves and do not require a response. Paragraph 45 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied. The Republican Committees are without knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 45 and so deny them.

46. The statute speaks for itself and does not require a response. Paragraph 46 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied.

47. The statutes speak for themselves and do not require a response. Paragraph 47 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied.

48. The statute speaks for itself and does not require a response. Paragraph 48 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied.

49. The statute speaks for itself and does not require a response. Paragraph 49 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied.

50. The statute speaks for itself and does not require a response. Paragraph 50 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied.

51. The statute and referenced application speak for themselves and do not require a response. Paragraph 51 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied. The Republican Committees are without knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 51 and so deny them.

52. The referenced sources speak for themselves and do not require a response. Paragraph 52 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied.

53. The referenced sources speak for themselves and do not require a response. Paragraph 53 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied.

54. The statutes speak for themselves and do not require a response. Paragraph 54 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied.

55. The statute speaks for itself and does not require a response. Paragraph 55 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied.

56. The statute speaks for itself and does not require a response. Paragraph 56 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied.

57. The statutes speak for themselves and do not require a response. Paragraph 57 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied.

58. The statute speaks for itself and does not require a response. Paragraph 58 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied.

59. The statutes speak for themselves and do not require a response. Paragraph 59 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied.

60. The statute speaks for itself and does not require a response. Paragraph 60 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied.

61. The statute speaks for itself and does not require a response. Paragraph 61 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied.

62. The statutes speak for themselves and do not require a response. Paragraph 62 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied.

63. The Republican Committees deny that SB 1 “will disenfranchise eligible voters.” The statute speaks for itself and does not require a response. Paragraph 63 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied. The Republican Committees are without knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 63 and so deny them.

64. The statute speaks for itself and does not require a response. Paragraph 64 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied. The Republican Committees are without knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 64 and so deny them.

65. The statutes speak for themselves and do not require a response. Paragraph 65 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied. The

Republican Committees are without knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 65 and so deny them.

### **FIRST CAUSE OF ACTION**

66. The Republican Committees incorporate their responses to the preceding paragraphs.

67. The Voting Rights Act speaks for itself and does not require a response. Paragraph 67 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied.

68. The statute speaks for itself and does not require a response. Paragraph 68 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied.

69. The Republican Committees deny that SB 1 violates the Voting Rights Act. The statutes speak for themselves and do not require a response. Paragraph 69 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied.

70. The Republican Committees deny that SB 1 violates the Voting Rights Act and that Plaintiff is entitled to relief. The statutes speak for themselves and do not require a response. Paragraph 70 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied. The Republican Committees are without knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 70 and so deny them.

## **SECOND CAUSE OF ACTION**

71. The Republican Committees incorporate their responses to the preceding paragraphs.

72. The Civil Rights Act of 1964 speaks for itself and does not require a response. Paragraph 72 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied.

73. The statutes speak for themselves and do not require a response. Paragraph 73 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied.

74. The statutes speak for themselves and do not require a response. Paragraph 74 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied.

75. The Republican Committees deny that SB 1 violates the Civil Rights Act of 1964. The statutes speak for themselves and do not require a response. Paragraph 75 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied.

76. The Republican Committees deny that SB 1 violates the Civil Rights Act of 1964 and that Plaintiff is entitled to relief. The statutes speak for themselves and do not require a response. Paragraph 76 states legal conclusions and/or statements of what the law provides or should provide, to which no response is required. To the extent a response is required, these allegations are denied. The Republican Committees are without knowledge or information

sufficient to form a belief about the truth of the remaining allegations in Paragraph 76 and so deny them.

### **PRAYER FOR RELIEF**

The Republican Committees deny that Plaintiff is entitled to the relief requested.

### **AFFIRMATIVE AND OTHER DEFENSES**

Without assuming the burden of proof, and while reserving the right to assert all applicable affirmative defenses supported in law and fact, the Republican Committees assert the following affirmative defenses:

#### **FIRST AFFIRMATIVE DEFENSE**

The Court lacks subject matter jurisdiction over Plaintiffs' claims.

#### **SECOND AFFIRMATIVE DEFENSE**

The Complaint fails to allege sufficient facts upon which a claim for relief may be granted.

#### **THIRD AFFIRMATIVE DEFENSE**

Plaintiffs lack standing to assert their claims in the Complaint.

#### **FOURTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims are barred by the applicable statutes of limitations.

#### **FIFTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims are barred by the equitable doctrines of laches, estoppel, unclean hands, and/or waiver.

#### **SIXTH AFFIRMATIVE DEFENSE**

Plaintiffs have failed to join indispensable parties to this action.

## **CONCLUSION**

The Republican Committees respectfully request that the Court (1) dismiss Plaintiff's claims with prejudice and enter judgment for Defendants; (2) deny Plaintiff's prayer for relief; and (3) grant other such relief as the Court may deem proper.

May 11, 2022

Respectfully submitted,

/s/ John M. Gore

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*Counsel for Proposed Intervenor-Defendants*

*\*Pro hac vice applications forthcoming*

*\*\*Application for admission to the Western*

*District of Texas pending*

*Admitted in Pennsylvania*

*Not admitted in D.C. (directly supervised by*

*John M. Gore, a licensed D.C. Bar member)*